

RECEIVED  
Serial No. 09/812,846 CENTRAL FAX CENTER

MAR 30 2007

REMARKS

In the Office Action the Examiner noted that claims 1-21 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1, 3, 6-7, 9, 12-13, 15-16, 18, and 21 have been amended. No new matter has been presented. Thus, claims 1-21 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Examiner Interview of March 22, 2007

The Applicant expresses gratitude to the Examiner for the interview granted on March 22, 2007. Although no agreement was reached in the interview, some of the distinguishing features of the present application over the Examiner's prior art references were discussed. For example, it is the Applicant's position that the Examiner's §102 reference does not disclose an executable file having a data part whose contents are updated by the executable file. Portions of the interview discussion are included in this Amendment.

Claim Rejections Under 35 USC §112

On pages 3-4 of the Office Action the Examiner rejected claims 1, 3, 7, 9, 13, 16, and 18 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. By this Amendment, claims 1, 3, 7, 9, 13, 16, and 18 have been amended and no longer recite the language discussed by the Examiner in these rejections. Therefore, it is respectfully submitted that the Examiner's §112 rejections be withdrawn.

Claim Rejections Under 35 USC §102

On pages 5-11 of the Office Action the Examiner rejected claims 1-21 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,489,954, issued to Powlette (hereinafter referred to as "Powlette"). The Applicant respectfully traverses the Examiner's rejections of these claims.

Claim 1 of the present application, as amended, recites a processing apparatus for generating an executable file, "wherein the data processing part includes at least a developing part configured to develop the updating part and the data part in response to an execute instruction, and the updating part is configured to update, when developed by the developing

Serial No. 09/812,846

part, contents of the executable file using the data developed by the developing part." The amended language of this claim is supported at least in Figure 8 and the related description in the present application. The Applicant respectfully submits that Powlette does not disclose or suggest at least these features of claim 1.

Powlette merely proposes configuring a Java applet program that is initially loaded from a remote server to receive additional user annotations for data displayed in an already opened applet window located at the user's client system. However, Java applets are not permitted to do such things as read or write from file systems outside their own domain (Column 2, Lines 18-21). Because the updated applet window data cannot be written to the user's client system, Powlette causes the modified window data to be converted into a standard compressed graphics file format, and then uploads it to the remote server. Although the displayed window data may be changed by the user in Powlette, no change is made to the actual data inside the applet program. Therefore, the executable file (the applet) in Powlette is not updated at the client's system, only the displayed data can be modified. "[E]ven though the window image data has been updated to include the efforts of the user to include such extra user generated data, it is not easily 'capturable,' so as to help the user preserve their efforts because as it is stored it is not in a format that is understandable by [the] browser program, and cannot be output by applet 160 to a storage device 130 because of the aforementioned security restrictions" (Column 9, Lines 20-27).

This is in direct contrast to claim 1 of the present application, in which the updating part included in the executable file is configured to update contents of the executable file itself, rather than just a display of data originally in the executable file. Therefore, in one example embodiment enabled by claim 1 and discussed in the present application, an editing program is included in the executable file having a data part generated from original print data, and the data part can be edited and updated in the executable file itself without the user being required to have a certain application to do so.

During the Examiner interview, the Examiner cited the following sentence in the Abstract of Powlette: "A Java applet program loaded initially from a remote server is configured to receive additional user annotations for data displayed in an already opened applet window located at the user's client system." However, the Applicant respectfully submits that this portion of Powlette merely supports the Applicant's statement that the applet program itself is not updated. Rather, the user annotations are merely displayed in the already opened applet window at the client system, and cannot be written to the system or applet. Once that window information is

Serial No. 09/812,846

converted to a graphics file format, which is not an executable file, "the user can then perform any desired operation on the file (i.e., such as printing or saving to a local file system) since the browser has access to the local system resources" (Abstract). Therefore, the Applicant respectfully submits that it is apparent that there is no updating of the executable file contents in Powlette. In fact, the Applicant respectfully submits that it is not even possible for the user at the client system to update the Java applet program, and therefore this feature is not even contemplated in Powlette.

Therefore, Powlette does not disclose or suggest at least the features "wherein the data processing part includes at least a developing part configured to develop the updating part and the data part in response to an execute instruction, and the updating part is configured to update, when developed by the developing part, contents of the executable file using the data developed by the developing part." Accordingly, Powlette does not disclose every element of the Applicant's claim 1. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Powlette does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Powlette, and withdrawal of the §102(e) rejection is earnestly and respectfully solicited.

Claim 2 depends from claim 1 and includes all of the features of that claim plus additional features which are not disclosed or suggested by Powlette. Therefore, it is respectfully submitted that claim 2 also patentably distinguishes over Powlette.

Claims 3, 7, 9, 13, 16, and 18 all similarly recite features to those discussed in regard to claim 1, and which are not disclosed or suggested by Powlette. As discussed above in regard to claim 1, Powlette does not disclose, suggest, or even contemplate the data processing part including at least a developing part configured to develop the updating part and the data part in response to an execute instruction, and the updating part being configured to update, when developed by the developing part, contents of the executable file using the data developed by the developing part. Therefore, claims 3, 7, 9, 13, 16, and 18 also patentably distinguish over Powlette.

Claims 4-6 depend from claim 3, claim 8 depends from claim 7, claims 10-12 depend from claim 9, claims 14-15, depend from claim 13, claim 17 depends from claim 16, and claims 19-21 depend from claim 18. These dependent claims include all of the features of their respective independent claims plus additional features which are not disclosed or suggested by

Serial No. 09/812,846

Powlette. Therefore, it is respectfully submitted that claims 4-6, 8, 10-12, 14-15, 17, and 19-21 also patentably distinguish over Powlette.

RECEIVED  
CENTRAL FAX CENTER

MAR 30 2007

Summary

In accordance with the foregoing, claims 1, 3, 6-7, 9, 12-13, 15-16, 18, and 21 have been amended. No new matter has been presented. Thus, claims 1-21 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS &amp; HALSEY LLP

Date: 03/30/07

By: Thomas L. Jones  
Thomas L. Jones  
Registration No. 53,908

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450

on 03/30, 2007

STAAS & HALSEY Thomas L. Jones

By Thomas L. Jones

Date 03/30/07